

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In Re:

Chapter 7 BKY No. **20-31117**

COLETTE M. BREITER

**MOTION TO APPROVE
STIPULATION TO DISMISS CASE**

Debtor(s)

TO: The trustee, U.S. Trustee and all parties in interest:

1. Colette M. Breiter (“Debtor”) through her undersigned attorney moves the Court for the relief requested below and gives notice of a hearing.

2. The Court will hold a hearing on this Motion on **JUNE 30, 2020** at **1:30 P.M.** in Courtroom 2-B, United States Courthouse, 316 North Roberts Street, St. Paul, Minnesota, or as soon thereafter as counsel can be heard before the **Hon. William J. Fisher** .

3. Local Rule 9006-1(c) provides that responses to this Motion must be filed by delivery or by mail not later than five (5) days before the hearing date, or no later than **JUNE 25, 2020**. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1. This is a core proceeding. The petition commencing this Chapter 7 case was originally filed under Chapter 7 on April 17, 2020. The case is now pending before this Court.

5. The parties to the attached stipulation have agreed to dismiss this case as set forth therein, and request that the Court approve the stipulation and dismiss this case. Required notice has been given to all parties in interest.

WHEREFORE, Debtor respectfully request that the Court issue an Order approving the attached stipulation and dismissing this case without further notice or hearing.

Dated: May 29, 2020

/e/ Mark C. Halverson

Mark C. Halverson (#124217)
Halverson Law Office
600 South Second Street, P.O. Box 3544
Mankato, MN 56002-3544
Telephone: 507-345-1535
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ATTORNEY FOR DEBTOR

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Chapter 7 BKY No. **20-31117**

COLETTE M. BREITER

STIPULATION

Debtor(s)

1. This chapter 7 bankruptcy was filed on April 20, 2020 and is pending in this court.
2. The debtor had previously filed a chapter 7 bankruptcy on June 25, 2020. She received a chapter 7 discharge on September 25, 2012 in the prior case.
3. The present case was filed as a result of confusion regarding the date of the previous filing and a failure of debtor's counsel's firm to properly employ routine procedures that would have prevented an infirm filing, not by intent of the debtor to fraudulently obtain an untimely discharge.
4. The United State Trustee has filed a motion to deny the discharge in the instant case, noting the previous discharge was granted within eight years of the current case.
5. The parties agree that the debtor is not eligible for a discharge in this case and hereby stipulate thereto.
6. The debtor's schedules show no property of value to the bankruptcy estate and thus no likelihood of a dividend to creditors.
7. Given the above, there is no useful purpose evident in continuing to administer this bankruptcy case and the parties hereto request that the case be dismissed and closed forthwith without entry of a discharge.

Dated: May 14, 2020

/e/ Michael Dietz +
Michael Dietz, Trustee
30 3rd Street SE Suite 400
Rochester, MN 55904
Telephone: (507) 288-9111

Dated: May 14, 2020

/e/ Mark Halverson
Mark Halverson
Attorney for Debtor
Colette M. Breiter
Halverson Law Office

P.O. Box 3544
Mankato, MN 56002
507-345-1535

Dated: May 14, 2020

JAMES L. SNYDER
ACTING UNITED STATES
TRUSTEE REGION 12

BY: /e/ Sarah J. Wencil
Sarah J. Wencil Trial Attorney
1015 U.S. Courthouse
300 South Fourth St.
Minneapolis, MN
55415 (612) 334-1350
IA ATTY NO. 14014

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Chapter 7 BKY No. **20-31117**

COLETTE M. BREITER

ORDER

Debtor(s)

This matter came before the Court upon a motion to approve a stipulation to dismiss the case entered into by the Trustee, United States Trustee and debtor's counsel. Notice being proper and any objections being overruled,

The stipulation is approved and this bankruptcy case is hereby dismissed without prejudice.

Dated: _____

William J. Fisher
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In Re:

Chapter 7 BKY No. **20-31117**

COLETTE M. BREITER

Debtor(s)

**UNSWORN DECLARATION
OF SERVICE**

I, **Marian Determan**, an employee of the law firm Halverson Law Office, declare that on May 29, 2020, I delivered a copy of the attached **Motion to Approve Stipulation To Dismiss Case** in person and/or by facsimile and/or by first class mail, postage prepaid and/or electronically delivered by e-mail notification under CM/ECF on the date e-filed with the Court to each entity named below and/or on the following page at the address stated for each entity.

Colette Breiter
47557 120th St
Blue Earth, MN 56013

Executed on May 29, 2020

/e/ Marian Determan
Marian Determan
Halverson Law Office
600 South 2nd Street
PO Box 3544
Mankato, MN 56002-3544
507-345-1535

AEO/Synchrony Bank
PO Box 960013
Orlando, FL 32896-0013

First Bank Card
PO Box 2557
Omaha, NE 68103-2557

Avant, LLC
PO Box 1429
Carol Stream, IL 60132-1429

First Premier Bank
PO Box 5529
Souix Falls, SD 57117-5529

Capitol One
PO Box 6492
Carol Stream, IL 60197-6492

Home Depot Credit Services
PO Box 78001
Phoenix, AZ 85062-8011

Capitol One
PO BOX 60599
City of Industry, CA 91716-059

Kohl's Payment Center
PO Box 2983
Milwaukee, WI 53201-2983

Capitol One
PO Box 4069
Carol Stream, IL 60197-4069

Maurices Capitol One
PO Box 4144
Carol Stream, IL 60197-4144

Comenity - Herbergers
PO Box 659813
San Antonio, TX 78265-9113

QCCard/Synchrony Bank
PO Box 530905
Atlanta, GA 30353-0905

Comenity - Sephora
PO Box 65980
San Antonio, TX 78265-9113

Synchrony Bank / Amazon
PO Box 960013
Orlando, FL 32896-0013

Comenity - The Buckle
PO Box 659704
San Antonio, TX 78265-9704

Synchrony Bank / JCP
PO Box 960090
Orlando, FL 32896-0090

Credit One Bank
PO Box 60500
City of Industry, Ca 91716-050

Target Card Services
PO Box 660170
Dallas, TX 75266-0170

First Bank Blue Earth
PO Box 40
Blue Earth, MN 56013

Wells Fargo
PO Box 77053
Minneapolis, MN 55480-7753